

## DECLARATION FOR PATENT APPLICATION

Docket Number (Optional)  
MDM-002.01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SPECTRAL VOLUME MICROPROBE ARRAYS

COPY

the specification of which (check one)

☐ is attached hereto.☒ was filed on February 2, 1999, as United States Application Number or PCT International Application Number 09/241,806.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

☐ Yes ☐ No                     (Number)                      (Country)                      (Day/Month/Year Filed)☐ Yes ☐ No                     (Number)                      (Country)                      (Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional application(s) listed below.

60/115,373 January 11, 1999  
(Application Number) (Filing Date)                     (Application Number)                      (Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

08/782,936 January 13, 1997 pending  
(Application Number) (Filing Date) (Status - patented, pending, abandoned)                     (Application Number)                      (Filing Date)                      (Status - patented, pending, abandoned)

I hereby appoint Donald W. Muirhead, Reg. No. 33,978; Beth E. Arnold, Reg. No. 35,430; Charles H. Cella, Reg. No. 38,099; Edward J. Kelly, Reg. No. 38,936; Chinh H. Pham, Reg. No. 39,329; Matthew P. Vincent, Reg. No. 36,709; and Diana M. Steel, Reg. No. 43,153; as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Donald W. Muirhead, at telephone number (617) 832-1257.

EXPRESS MAIL MAILING LABEL

Address all correspondence to:

Patent Group  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, Ma. 02109-2170No. EL 750476600US

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor (given name, family name) Mark MODELLInventor's signature X Mark Modell Date X 3/4/99  
Residence 321 Tappan St., Brookline, Massachusetts 02146 Citizenship USA  
Post Office Address sameFull name of second inventor (given name, family name) A. Ze'ev HEDInventor's signature X A. Ze'ev Hed Date X April 14, 1999  
Residence 12 Wagon Trail, Nashua, New Hampshire 03062 Citizenship USA  
Post Office Address same☐ Additional inventors are being named on separately numbered sheets attached hereto.

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN

Docket Number (Optional)  
MDM-002.02

Applicant or Patentee: Mark MODELL and A. Ze'ev HED  
Serial or Patent No.: 09/241,806  
Filed or Issued: February 2, 1999  
Title: Spectral Volume Microprobe Arrays

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I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN MediSpectra, Inc.  
ADDRESS OF SMALL BUSINESS CONCERN 125 Hartwell Avenue  
Lexington, Massachusetts 02421

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern with would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING ROBERT J. NORDSTROM  
TITLE OF PERSON IF OTHER THAN OWNER VICE PRESIDENT, RESEARCH  
ADDRESS OF PERSON SIGNING 182 OLDE FORGE RD HANOVER, MA 02334  
SIGNATURE Robert J Nordstrom DATE April 14, 1999

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**PATENT**

Attorney Docket No. MDS-009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Modell et al.  
SERIAL NO.: 09/241,806 GROUP NO.: 3737  
FILED: February 2, 1999 EXAMINER: Not yet assigned  
TITLE: SPECTRAL VOLUME MICROPROBE ARRAYS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
REVOCATION OF PRIOR POWERS AND NEW POWER OF ATTORNEY**

As named inventor for the above-identified

- ☒ application,  
☐ patent,

I hereby revoke all powers of attorney previously given and

**NEW POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute and transact all business in the Patent and Trademark Office connected therewith.

Steven M. Bauer	Reg. No. 31,481
John V. Bianco	Reg. No. 36,748
Isabelle A.S. Blundell	Reg. No. 43,321
Maureen A. Bresnahan	Reg. No. 44,559
Michael H. Brodowski	Reg. No. 41,640
Jennifer A. Camacho	Reg. No. 43,526
Joseph A. Capraro, Jr.	Reg. No. 36,471
John J. Cotter	Reg. No. 38,116
John V. Forcier	Reg. No. 42,545
Michael J. Giannetta	Reg. No. 42,574
Duncan A. Greenhalgh	Reg. No. 38,678
William G. Guerin	Reg. No. 41,047
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Ira Heffan	Reg. No. 41,059
Danielle L. Herritt	Reg. No. 43,670

Mi Kim	Reg. No. 44,830
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Kurt W. Lockwood	Reg. No. 40,704
Thomas C. Meyers	Reg. No. 36,989
Joseph B. Milstein	Reg. No. 42,897
David G. Miranda	Reg. No. 42,898
Ronda P. Moore	Reg. No. 44,244
Edmund R. Pitcher	Reg. No. 27,829
Dianne M. Rees	Reg. No. 45,281
Michael A. Rodriguez	Reg. No. 41,274
Jamie H. Rose	Reg. No. 45,054
R. Stephen Rosenholm	Reg. No. 45,283
Christopher W. Stamos	Reg. No. 35,370
Joseph P. Sullivan	Reg. No. 45,349
Robert J. Tosti	Reg. No. 35,393
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Michael J. Twomey	Reg. No. 38,349
Christine C. Vito	Reg. No. 39,061
Patrick R.H. Waller	Reg. No. 41,418
Yin P. Zhang	Reg. No. 44,372

☐ Attached as part of this power of attorney is the authorization of the above-named attorney(s)/agent(s) to accept and follow instructions from my representative(s).

Assignee also hereby grants additional Powers of Attorney to the attorneys and/or agents named above to file and prosecute foreign national patent applications in any and all countries of the world, a regional patent application under the European Patent Convention and/or an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states.

All future correspondence should be sent to:

Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
45 High Street  
Boston, MA 02110

Name of assignee of entire interest

*MediSpectra, Inc.  
45 Hartwell Avenue  
Lexington, MA 02421*

☒ Recorded in PTO on March 20, 1999

Reel No.: 9900

Frame No.: 0721 and 0732

☐ Mailed to U.S. Patent and Trademark Office for recordal on \_\_\_\_\_  
(copy of Assignment enclosed).

Dated: April 12, 2000

Respectfully submitted,

Robert B. Anacone

Robert B. Anacone  
President and CEO  
MediSpectra, Inc.  
125 Hartwell Avenue  
Lexington, MA 02421